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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,911	07/25/2003	Doogong Yip	M&R 3.0-039	3475

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EXAMINER

FERGUSON, MARISSA L

ART UNIT PAPER NUMBER

2854

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,911

Applicant(s)

YIP, DOOGONG

Examiner

Marissa L Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/25/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the non-porous surface must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4,7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US Patent 5,471,930) in view of Wasylczuk et al. (US Patent 5,655,451) and Toyama (US Patent 5,577,444).

Regarding claims 1,7 and 8 Wood teaches a first marking structure (18) having a front surface adapted to print a first ink (Abstract and Column 2, Lines 1-18) onto an object, a rear surface and peripheral edges extending between said front and rear surfaces (Figure 2), a second marking structure (48) having a front surface adapted to

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print a second ink (Abstract and Column 2, Lines 1-18) onto an object, a rear surface and peripheral edges extending between said front and rear surfaces of said second marking structure (Figure 2) and wherein first and second marking structures being assembled together so that at least one of said edges of said first marking structure opposes at least one of said edges of said second marking structure (Figure 2).

However, he does not explicitly disclose wherein a first patterned peripheral edge of a first marking structure interlocking with the a second marking structure and at least one of said opposing edges has a non-porous surface for preventing migration of a first ink of a first marking structure with said second ink of said second marking structure.

Wahylczuk et al. discloses an interfitting stamp set that teaches patterned peripheral interlocking edges (Abstract and Figure 1). However, Wahylczuk does not explicitly disclose a non-porous surface that avoids overlapping of stamps. Toyama discloses a hand stamp that teaches heat-sealing a porous stamping portion. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Wood to include a patterned interlocking as taught by Wasyliczuk et al., since Wasyliczuk et al. prevents overlapping patterns the would result in smudging and/or contamination and to include a non-porous surface as taught by Toyama, since Toyama prevents the ink from passing through the non-stamping portion that would otherwise cause smearing and/or smudging.

Regarding claim 4, Wood teaches a first ink that has a first color and second ink that has a second color different than the first color (Column 3, Lines 9-41).

Regarding claim 9, Wood teaches a first and second marking structure comprising foam (Column 2, Lines 43-45).

Regarding claim 11, Wood teaches a first marking structure that carries an ink of a first color and a second marking structure that carries an ink of a second color that is different than the first color (Column 3, Lines 9-41).

3. Claims 2,3,6,10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US Patent 5,471,930) in view of Wasylczuk et al. (US Patent 5,655,451) and Toyama as applied to claims 1 and 7 above, further in view of Fletcher et al. (US Patent 6,119,596).

Regarding claims 2,3,6,10,13-16 and 18, Wood, Wasylczuk et al. and Toyama teach the invention except for pre-inked a marking structure that comprise microporous foam and a mixture of thermoplastic resin/ink. Fletcher et al. discloses a pre-inked microporous marking structure (Abstract) that includes a mixture of thermoplastic resin (Column 1, Lines 21-26). Fletcher et al. also discloses a microporous structure made from foam (Column 3, Lines 57-59). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Wood to include a pre-inked microporous marking structure as taught by Fletcher et al., since Fletcher et al. allows the ink to escape at a controlled rate within the marking structure.

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US Patent 5,471,930) in view of Wasylczuk et al. (US Patent 5,655,451) and Toyama (US Patent 5,577,444), further in view of Imamaki et al. (US Patent 6,000,335).

Regarding claims 5 and 12, Wood, Wasylczuk et al. and Toyama teach the invention claimed except for at least one edge having a non-porous surface that is exposed to a light source for forming the non-porous surface. Imamki et al. forms a non-porous surface by applying a light source heat that melts the microporous stampin member (Column 3, Lines 55-63 and Column 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Wood to include a heating source as taught by Imamaki et al., since Imamaki et al. forms a non-porous surface in order to provide an impermeable portion to retain the ink within the stamping structure.

Regarding claim 17, Wood teaches a first ink in a first region of a marking structure that has a first color and a second ink in a second region of a marking structure that has a second color that is different that a first color (Column 3, Lines 9-41).

Conclusion

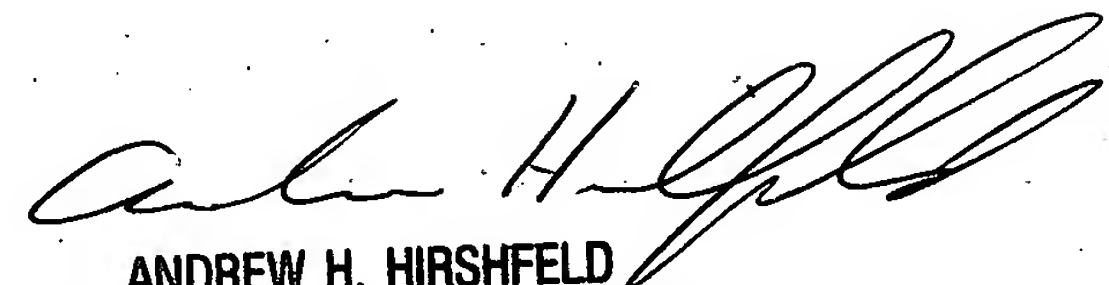
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854


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